



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/100,019 07/30/93 TRICK

R TRICK201LH

EXAMINER

TUCCILLO, N

ART UNIT

PAPER NUMBER

21M1/0719
SPRUNG HORN KRAMER & WOODS
660 WHITE PLAINS ROAD, 4TH FL.
TARRYTOWN, NY 10591-5144

2101

DATE MAILED:

07/19/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 5-8-95 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____.

Part II SUMMARY OF ACTION

1. Claims 1 - 7 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 1 - 7 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

Applicant's arguments with respect to claims 1-7 have been considered but are deemed to be moot in view of the new grounds of rejection.

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 C.F.R. § 1.81.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter must be shown or the feature cancelled from the claim. No new matter should be entered.

With respect to Applicant comments concerning the admission of required drawings, Applicant is advised that proposed drawings must be submitted for consideration by the Examiner **before** a notice of allowability is issued.

Claims 1-7 are rejected under 35 U.S.C. § 101 because the claimed invention **is** directed to non-statutory subject matter. With respect to claims 1-7, Applicant is advised that the claims as now written simply recite a photographic film having defined non-statutory subject matter, i.e. printed subject matter.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Spector('832), Spector('224) and Kirkendall. With respect to claims 1-7, Spector('832), Spector('224) and Kirkendall each disclose all aspects of said claims with the exception of specifically stating that such a pre-exposed border could be utilized in an instant type film unit. Spector('832), however, does disclose that the film used could be of the instant type (see column 3, lines 1-5). Given that Spector('832), Spector('224), and Kirkendall each disclose devices of a similar form and function, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize common knowledge in the art as evidenced by Spector('832), in conjunction with Spector's('832), Spector's('224) and Kirkendall's teaching of such borders in non-instant type film cartridges, for the purposes of obtaining an artistic film frame design in an instant film type camera, the like of which is common in the art.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is supplied for Applicant's information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas J. Tuccillo whose telephone number is (703) 308-1691.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1782.

NJT

July 18, 1995

M. L. Gellner

MICHAEL L. GELLNER
SUPERVISORY PATENT EXAMINER
GROUP 2100